

## BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 9, AREA NO. 1.

Schedule of prices based on weighted average cost of \$2.07 per net ton, f. o. b. mine, and submitted as directed by Special Order No. 28 and is for the purpose of co-ordination with other districts in Minimum Price Area No. 1 and is not the effective price schedule for District No. 9.

Louisville, Ky.

Group sizes proposed by Bituminous Coal Producers Board for District No. 9, Area No. 1, in compliance with Special Order No. 28:

## GROUP—SIZE OF COAL

1. 8" Lump; 6" Lump; 5" Lump; 4" Lump; 8X3" Egg.

2. 3" Lump; 6X3" Egg.

3. 2" Lump; 6X2" Egg.

4. 1½" Lump; 6X1½" Egg and Nut; 3X2" Small Egg.

5. 3X1½" Steam Nut; 2X1½" Stoker Nut; 2X¾" Stoker Nut; 2X¼" Stoker Nut; 2X10 Mesh; Mine Run—Straight, Crushed or Modified.

6. 1¼X¾" Chestnut; 1¼X½" Chestnut and Pea Mixed; 1¼X¾" Chestnut and Pea Mixed; 1¼X½" Chestnut and Pea Mixed; 1¼X10 Mesh; ¾X¾" Pea.

7. 2" Screenings.

8. 1½" Screenings.

9. ¾" Screenings.

10. ½" Carbon; ⅓" Carbon; ¼" Carbon; ⅓" Carbon; 10 Mesh.

## MINE CLASSIFICATION AND PRICE LIST, F. O. B. MINE, IN BARGE AND CARLOAD LOTS, PROPOSED BY BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 9, AS DIRECTED BY SPECIAL ORDER NO. 28

	Classi- fication	Size groups									
		1	2	3	4	5	6	7	8	9	10
J. Young Brown	A	\$2.35	\$2.35	\$2.35	\$2.35	\$2.25	\$2.10	\$2.00	\$1.85	\$1.75	\$1.55
Community Coal Co.	A	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
Dawson Daylight #1	A	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
Dawson Daylight #2	B	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
Ft. Hartford Coal Co.	B	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
Franklin & Hawkins	B	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
Sam Ford	B	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
Grapevine Coal Co.	B	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
Green River Valley	B	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
High View Mining Co.	B	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
Highland Creek	B	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
Lion Coal Mining	A	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
F. M. McDonald Mines	A	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
Alex & Basil Morris	A	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
C. A. Morris	A	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
Nelson Creek	B	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
J. L. Nicholson & Sons	B	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
Norton C. M. Co., Noreo	B	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
Norton "Crabtree"	B	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
Providence C. M. Co.	B	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
Shearn Coal Co.	A	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
Sixth Vein C. Corp.	A	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
Trio Coal Company	B	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55
Zion Coal Company	B	2.35	2.35	2.35	2.35	2.25	2.10	2.00	1.85	1.75	1.55

Madisonville, Ky., April 24th, 1936.

## ADDENDA TO SCHEDULE OF PRICES

SUBMITTED BY BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 9, AREA NO. 1, AS DIRECTED BY SPECIAL ORDER NO. 28

Oil or chemically treated coal shall carry a minimum of 10¢ per net ton higher price than untreated coal.

Less than carload, prices shall be 50¢ per ton higher than carload prices on all lump, egg, and nut sizes, and shall be 25¢ per ton higher on all coal top sizes 2" and down, no fines removed. This applies to rail, river, and truck mines.

Any Code Member who now or hereafter produces a size not listed on page 2 (Size Groupings) shall use the price listed for the next larger size of the same grade and classification.

Madisonville, Ky.,  
April 24th, 1936.

[F. R. Doc. 502—Filed, April 28, 1936; 3:32 p. m.]

Friday, May 1, 1936

No. 35

## PRESIDENT OF THE UNITED STATES.

## MONONGAHELA NATIONAL FOREST—WEST VIRGINIA

By the President of the United States of America

## A PROCLAMATION

WHEREAS certain lands have been transferred from the Monongahela National Forest, established by Proclamation of August 3, 1928, to the George Washington National Forest by Proclamation of this date; and

WHEREAS it is desired to include in and reserve as a part of the Monongahela National Forest certain lands within the State of West Virginia acquired by the United States for forestry purposes under sections 6 and 7 of the act of March 1, 1911, 36 Stat. 961, 962, as amended (U. S. C., Title 16, secs.

515 and 516), and contained within the boundaries herein-after described; and

WHEREAS it appears that it would be in the public interest to redefine the boundaries of the Monongahela National Forest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., Title 16, sec. 471), the act of June 4, 1897, ch. 2, 30 Stat. 36 (U. S. C., Title 16, sec. 473), and by section 11 of the said act of March 1, 1911 (U. S. C., Title 16, sec. 521), do proclaim that all lands of the United States within the following-described boundaries shall be, and are hereby, included in, reserved as, and made a part of the Monongahela National Forest in the State of West Virginia, and that all lands within the said boundaries which may hereafter be acquired by the United States under the said act of March 1, 1911, as amended, shall, upon their acquisition be permanently reserved and administered as a part of the Monongahela National Forest:

Beginning at the Fairfax Stone, a corner between Maryland and West Virginia, at the southwest corner of the State of Maryland; thence with the Grant-Tucker County line to the Western Maryland Railroad; thence with the Western Maryland Railroad to Route 32 at Thomas, West Virginia (all routes mentioned herein are State routes unless otherwise stated); thence with Route 32 to the corporation line of Davis, West Virginia; thence with the corporation line of Davis in southerly and easterly directions to the intersection of the corporation line with Blackwater River; thence down Blackwater River to the mouth of a branch about one-half mile below Blackwater Falls; thence up branch to a point on line of tract 106; thence with tract 106, S 71°39' E, 14.39 chains to corner 63 thereof; thence continuing with tract 106 to corner 1 of tract 135; thence with tract 135, S 89°58' E, 126.99 chains to corner 2; thence S 03°00' E, 37.15 chains to

Route 35; thence leaving tract 135 and with Route 35 to the intersection with Route 37 at Cortland, West Virginia; thence with Route 37 to Blackwater River; thence up Blackwater River to the mouth of Yokum Run; thence up Yokum Run to point on line of tract 21; thence with tract 21, N 11°26' E, 3.21 chains to corner 1; thence S 66°00' E, 259.47 chains to corner 1 of tract 38; thence with tract 38 to corner 1a of tract 21; thence with tract 21 to corner 4 of tract 319; thence with tract 319 to corner 6; thence leaving tract 319, S 73°00' E, to Jordan Run; thence down Jordan Run to the junction with the North Fork of the South Branch of the Potomac River; thence down the North Fork of the South Branch of the Potomac River to corner 31 of tract 194; thence with tract 194 to corner 33; thence leaving tract 194, and down the North Fork of the South Branch of the Potomac River to the junction with the South Branch of the Potomac River; thence down the South Branch of the Potomac River to Royal Glen Dam; thence approximately S 22°03' E, to a point in U. S. Route 220 at B. M. 1085; thence approximately S 33°50' W, 11 miles to point in old road at B. M. 1522; thence with old road to U. S. Route 220 at Upper Tract Bridge; thence with U. S. Route 220 to the intersection with Route 5; thence with Route 5 to corner 11 of tract 405a; thence with tract 405a and Route 5 to corner 16; thence leaving tract 405a and with Route 5 to corner 20 of tract 405a; thence with tract 405a and Route 5 to corner 21; thence leaving Route 5 and continuing with tract 405a to Route 5; thence leaving tract 405a and with Route 5 to a point about one-half mile west of Harman Rocks; thence approximately N 8°45' E, to the Dolly schoolhouse; thence approximately N 29°10' E, to the intersection of Routes 9 and 9/2; thence with Route 9/2 to the intersection with Route 5/5; thence with Route 5/5 to the North Fork of the South Branch of the Potomac River; thence down the North Fork of the South Branch of the Potomac River to the Mouth of Seneca Creek; thence up Seneca Creek approximately one-quarter mile to Route 28; thence with Route 28 approximately one-tenth mile to intersection with Route 5 at Mouth of Seneca, West Virginia; thence with Route 5 to the intersection with Route 6; thence with Route 6 to the Horton-Riverton Trail; thence with the Horton-Riverton Trail to a point on line of tract 38b; thence with tract 38b, S 38° 58' W, 102.56 chains to corner 84; thence continuing with tract 38b to Route 15; thence leaving tract 38b and with Route 15 to the intersection with Route 28/9; thence with Route 28/9 to the intersection with Route 28; thence approximately East to the North Fork of the South Branch of the Potomac River; thence up the North Fork of the South Branch of the Potomac River to the junction of Laurel Fork and Straight Fork; thence up Straight Fork to the Virginia-West Virginia State line; thence with the Virginia-West Virginia State line to corner 1 of tract 550a; thence with tract 550a to corner 3; thence leaving tract 550a and by a straight line to corner 35 of tract 393; thence with tract 393 to corner 1 of tract 524; thence with tract 524 to corner 3; thence leaving tract 524 and with the divide between Anthony Creek and Howard Creek to a line of tract 507; thence with tract 507 to corner 1 of tract 547; thence with tract 547 to corner 16 of tract 497a; thence with tract 497a to corner 23; thence leaving tract 497a and by a straight line to corner 22 of tract 547; thence with tract 547 to corner 15; thence leaving tract 547 and up Greenbrier River to corner 46 of tract 497; thence with tract 497 to corner 47; thence leaving tract 497 and continuing up Greenbrier River to corner 5 of tract 446-I; thence with tract 446-I to corner 6; thence leaving tract 446-I and continuing up Greenbrier River to corner 1 of tract 579; thence with tract 579 to corner 23; thence leaving tract 579 and continuing up Greenbrier River to corner 21 of tract 579; thence with tract 579 to corner 15; thence leaving tract 579 and continuing up Greenbrier River to corner 11 of tract 579; thence with tract 579 to corner 10; thence leaving tract 579 and continuing up Greenbrier River to corner 96 of tract 437; thence with tract 437 to

corner 98; thence leaving tract 437 and continuing up Greenbrier River to point on line of tract 437; thence with tract 437 to corner 103b; thence S 81° 30' E, approximately 3.00 chains to point on line of tract 437; thence leaving tract 437 and continuing up Greenbrier River to a point on line of tract 354; thence with lines of tract 354, N 28° 07' E, approximately 12.00 chains; thence N 39° 45' E, approximately 4.00 chains to point on line of tract 354; thence leaving tract 354 and continuing up Greenbrier River to Route 15/2; thence with Route 15/2 to corner of tract 482; thence with tract 482 in westerly and northerly directions to corner 14 of tract 351; thence with tract 351 to corner 17; thence leaving tract 351 and with road to gap in the divide between Laurel Run and Lewis Lick Run; thence in a westerly direction with the top of the mountain to tract 652; thence with tract 652 to the divide between Greenbrier and Williams Rivers; thence leaving tract 652 and with the divide to tract 659; thence with tract 659 to the divide between Greenbrier and Williams Rivers; thence leaving tract 659 and with the divide to corner 47 of tract 506; thence with tract 506 to corner 1 of tract 395; thence with tract 395 to corner 27; thence leaving tract 395 and with the divide to corner CA 1609; thence by a straight line to corner 40 of tract 395; thence with tract 395 to corner 48; thence leaving tract 395 and approximately S 29° 40' W, to a point on the Greenbrier-Pocahontas County line about one mile southeast of angle in county line; thence approximately S 48° 25' W, to Twin Sugars Knob; thence with the crest of Cold Knob Mountain to the Cold Knob Road; thence with the Cold Knob Road to Beech Ridge; thence leaving the Cold Knob Road and with the divide between Laurel Creek on the north and east, and Clear Creek, Hominy Creek, Grassy Creek, Panther Creek, and Taylor Run on the south and west to Cherry River about one mile below the mouth of Laurel Creek; thence down Cherry River to the junction with Gauley River; thence up Gauley River to a line of tract 372; thence with tract 372 to corner 122; thence by straight line to the intersection of Route 15 and the old Summersville and Slavin Cabin Road; thence with the Old Summersville and Slavin Cabin Road to corner 13 of tract 478; thence with tract 478 to corner 18; thence leaving tract 478 and continuing with the old Summersville and Slavin Cabin Road to the junction with Route 15 in the gap between Kingfisher Creek and Sandy Run; thence with the divide between Elk and Gauley River to the western corner of tract 51a about one and one-half miles west of the Randolph-Webster County line; thence with tract 51a to Elk River; thence up Elk River to Route 49; thence with Route 49 to the intersection with Route 15; thence with Route 15 to the junction with U. S. Route 219; thence with U. S. Route 219 to the "Burnt Bridge" on Tygart Valley River; thence down Tygart Valley River to the mouth of Stalnaker Run; thence up Stalnaker Run to Route 24; thence with Route 24 to the junction with Route 33; thence with Route 33 to the junction with Route 30; thence with Route 30 to the junction with Route 22; thence with Route 22 to the junction with Route 27; thence with Route 27 to a branch about one and one-half miles south of Alpena, West Virginia; thence leaving Route 27 and up branch to an old road on top of Shavers Mountain; thence with old road to Shavers Fork of Cheat River about one-fifth mile below the mouth of Wilson Run; thence down Shavers Fork of Cheat River to Route 9; thence with Route 9 to the top of Cheat Mountain; thence with the top of Cheat Mountain to the Panther Run Road; thence with the Panther Run Road to Cherrytree Fork; thence with road up Cherrytree Fork to corner 15 of tract 173; thence with tract 173 to corner 2 of tract 138; thence with tract 138 to corner 8; thence leaving tract 138 and with the top of Cheat Mountain to corner 14 of tract 98; thence with tract 98 to corner 11; thence leaving tract 98 and with the top of Cheat Mountain to the corner between Barbour, Randolph, and Tucker counties; thence with the Barbour-Tucker County line to the Laurel Triangulation Station; thence leaving the county line and by a straight

line to the intersection of Routes 8 and 19; thence with Route 19 to intersection with Route 6; thence with Route 6 to Cheat River; thence down Cheat River to the Preston-Tucker county line; thence with the Preston-Tucker county line to Route 112; thence with Route 112 to the intersection with Route 116; thence with the Horseshoe Run divide to corner 15 of the tract 87m; thence with tract 87m to a point on the Preston-Tucker county line; thence leaving tract 87m and with the Preston-Tucker county line to the beginning.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this 28<sup>th</sup> day of April, in the year of our Lord nineteen hundred and [SEAL] thirty-six and of the Independence of the United States of America the one hundred and sixtieth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL  
Secretary of State.

[No. 2166]

[F. R. Doc. 509—Filed, April 30, 1936; 10:28 a. m.]

# GEORGE WASHINGTON NATIONAL FOREST—VIRGINIA AND WEST VIRGINIA

By the President of the United States of America

## A PROCLAMATION

WHEREAS it is desired to transfer from the Monongahela National Forest to the George Washington National Forest certain of the lands contained within the boundaries hereinafter described, and to include in and reserve as a part of the George Washington National Forest certain lands acquired by the United States for forestry purposes within the States of Virginia and West Virginia under sections 6 and 7 of the act of March 1, 1911, 36 Stat. 961, 962, as amended (U. S. C., Title 16, secs. 515, 516), and contained within the said boundaries; and

WHEREAS it appears that it would be in the public interest to redefine the boundaries of the George Washington National Forest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., Title 16, sec. 471), the act of June 4, 1897, ch. 2, 30 Stat. 36 (U. S. C., Title 16, sec. 473), and by section 11 of the said act of March 1, 1911 (U. S. C., Title 16, sec. 521), do proclaim that all lands of the United States within the following-described boundaries shall be, and are hereby, included in, reserved as, and made a part of the George Washington National Forest in the States of Virginia and West Virginia, and that all lands within the said boundaries which may hereafter be acquired by the United States under the said act of March 1, 1911, as amended, shall, upon their acquisition, be permanently reserved and administered as part of the George Washington National Forest:

### Shenandoah Unit

(NOTE.—The term "present boundary" in the following descriptions refers to boundaries of National Forests as they existed just prior to the issuance of this Proclamation.)

Beginning at a point on the Allegheny Mountains at the intersection of U. S. Highway #60 with the Virginia-West Virginia State line; thence with the Virginia-West Virginia State line in a northeasterly direction approximately 85 miles to the intersection of said State line with Straight Fork at approximately  $\frac{1}{4}$  of a mile north of the village of Hardscrabble, Highland County, Virginia, a point on the present Monongahela National Forest Boundary; thence southwesterly with said Boundary approximately 11 miles to a point common to the present Monongahela National Forest Boundary, the Monogahela Purchase Unit

Boundary, State Route #5 and Back Creek; thence southwesterly with Back Creek approximately 16 miles to the intersection of said creek with the Highland-Bath County line; thence with said county line in a southeasterly direction to the Cowpasture River, a point on the present boundary; thence with the present boundary in a general northeasterly direction approximately 120 miles to a point where the present boundary leaves Lost River; thence easterly with Lost River approximately 1 mile to the mouth of Trout Run and the head of Cacapon River; thence with Cacapon River to the corporate limits of Wardensville; thence with south and easterly corporate limits of Wardensville to Route #55; thence with Route #55 in a northeasterly direction approximately 1.8 miles to the intersection of Route #55 with the present boundary; thence with the present boundary in a general northeasterly, southeasterly, and southwesterly direction for approximately 30 miles to corner 4 of the St. Lukes Hospital tract #75 b-2; thence leaving present boundary S. 6° 00' W.  $\frac{7}{8}$  mile to corner 2 of tract 752, a point on the present boundary; thence with present boundary in a general southwesterly direction approximately 26 miles to Liberty Furnace; thence with Route #717 at Liberty Furnace in a southwesterly direction via Jerome, approximately  $4\frac{1}{2}$  miles to a point where Route #717 intersects present boundary; thence with present boundary in a southwesterly direction approximately 17 miles to the mouth of Sours Run on Runions Creek; thence leaving the present boundary and down Runions Creek to the mouth of Runions Creek on the North Fork Shenandoah River, a point in the present boundary; thence with the present boundary in an easterly and a southwesterly direction approximately 55 miles to the intersection of present boundary with the Augusta-Rockbridge County line; thence leaving the present boundary and with Augusta-Rockbridge County line in a southeasterly direction approximately 5 miles to a point where said county line crosses Route #602 near Walkers Creek; thence southwesterly with Route #602 approximately 9 miles to the junction of Route #602 with Route #501 (Warm Springs-Lexington Highway) at Rockbridge Baths in Rockbridge County; thence with said Route #501 northwesterly approximately .9 mile to the junction with Route #623; thence with Route #623 in a southwesterly direction along the base of Hog Back and Dale Mountain, approximately 10 miles to the junction of U. S. Highway #60; thence with said U. S. Highway #60 in a westerly direction via Clifton Forge and Covington, Virginia, approximately 57 miles to the point of beginning.

### Massanutten Unit

Beginning at a concrete tank on top of hill over Massanutten Caverns, approximately 6 miles southeast of Harrisonburg, Rockingham County, Virginia, a point on the present boundary; thence with the present boundary northeasterly approximately 35 miles to the North Fork of Shenandoah River, a point approximately 1.5 miles southeast of Edinburg, Virginia; thence leaving the present boundary and with the North Fork of Shenandoah River northeasterly and easterly approximately 3 miles to corner 2 of Town of Woodstock Tract #410 (acquired) a point on the North Fork of Shenandoah River and the present boundary; thence with the present boundary northeasterly, easterly, and southwesterly approximately 30 miles to a small creek flowing into the South Fork of Shenandoah River a point on the present boundary approximately 3.2 miles north of Bentonville, Warren County, Virginia; and about 3.4 miles southeast of Elizabeth Furnace; thence with said creek in an easterly direction approximately .02 mile to the south Fork of Shenandoah River; thence leaving the present boundary and up the South Fork of Shenandoah River in a southwesterly direction approximately 6 miles to where the said river meets the present boundary, a point approximately 2 miles northwest of Bentonville; thence with the South Fork of Shenandoah River and the present boundary southwesterly approximately 7 miles to a point

approximately 1.8 miles west of Campton, Page County, Virginia; thence leaving the present boundary and up the South Fork of Shenandoah River for approximately 3 miles to a point where the said river meets the present boundary; thence with the present boundary southwesterly approximately 12 miles to where the present boundary leaves Route #615, a point approximately 4 miles northwesterly of Luray, Virginia, thence leaving the present boundary and with Route #615 in a southwesterly direction approximately 3 miles to the intersection of Route #615 with U. S. Highway #211; thence with U. S. Highway #211 southwesterly, approximately 1.5 miles to where U. S. Highway #211 meets the present boundary; thence leaving U. S. Highway #211 and with the present boundary southwesterly and northwesterly to the place of beginning.

#### Natural Bridge

Beginning at the junction of North River with James River, approximately 1 mile southeast of the Village of Glasgow, Rockbridge County, Virginia, a point on the present boundary; thence with the present boundary in a northeasterly, easterly, and southwesterly direction to corner 2 of C. H. Foster Tract 16; thence leaving the present boundary S. 8°00' E. approximately 3 miles to the junction of Route #647 with Route #649, approximately 1.7 miles west of Pedlar Mills; thence southeasterly with Route #649 approximately 4 miles to the end of said route on James River; thence in a northwesterly direction with James River to the place of beginning.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this 28<sup>th</sup> day of April, in the year of our Lord nineteen hundred and thirty-six, and of the Independence of the United States of America the one hundred and sixtieth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,  
Secretary of State.

[No. 2167]

[F. R. Doc. 510—Filed, April 30, 1936; 10:29 a. m.]

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Special Order No. 12-B]

AN ORDER REQUIRING THE ESTABLISHMENT BY THE DISTRICT BOARD CONSTITUTING MINIMUM PRICE AREA NO. 2 OF RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COAL BY CODE MEMBERS WITHIN SUCH DISTRICT AND REQUIRING SUCH DISTRICT BOARD TO PROPOSE PRICE ALLOWANCES TO WHOLESALERS AND FARMERS' COOPERATIVE ORGANIZATIONS

Pursuant to authority vested in it by the Bituminous Coal Conservation Act of 1935 the Commission hereby orders as follows:

1. The District Board for District No. 13 constituting Minimum Price Area No. 2, as defined in said Act, shall forthwith establish reasonable rules and regulations incidental to the sale and distribution of coal produced by Code members within said District, which said rules and regulations shall not be inconsistent with the requirements of Section 4 of the Act, shall conform to the standards of fair competition therein established, and shall contain specific proposal for rules and regulations to be made and issued by the Commission to effectuate Part II (g) of Section 4 of the Act.

2. Said District Board shall further forthwith propose price allowances to and receivable by persons who purchase coal for resale and resell it at not less than cargo or railroad carload lots and by farmers' cooperative organizations, as such organizations are defined in the second paragraph of

Part II (i), 13 of Section 4 of the Act, which the Commission may prescribe pursuant to Part II (h) of Section 4 of the Act.

3. The rules and regulations established by said District Board pursuant to paragraph 1 hereof, together with a statement of the reasons therefor, and the proposal for price allowances made pursuant to paragraph 2 hereof, shall be submitted by the District Board to the Commission on or before May 7, 1936, for its consideration and action thereon.

4. The Secretary of the Commission shall forthwith transmit a copy of this Order to said District Board which shall, upon receipt thereof, prepare copies of said Order and make distribution to all Code members in the District and shall cause notice of said Order to be given to all interested persons by publication thereof in at least one newspaper of general circulation in its District on or before May 1, 1936. Proof of distribution and publication shall be filed by said District Board with the Commission on or before May 7, 1936.

Dated this 28th day of April 1936.

NATIONAL BITUMINOUS COAL COMMISSION,  
By C. F. HOSFORD, Jr., *Chairman*.

[F. R. Doc. 511—Filed, April 30, 1936; 10:40 a. m.]

[Special Order No. 12-C]

AN ORDER REQUIRING THE ESTABLISHMENT BY THE DISTRICT BOARD CONSTITUTING MINIMUM PRICE AREA NO. 3 OF RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COAL BY CODE MEMBERS WITHIN SUCH DISTRICT AND REQUIRING SUCH DISTRICT BOARD TO PROPOSE PRICE ALLOWANCES TO WHOLESALERS AND FARMERS' COOPERATIVE ORGANIZATIONS

Pursuant to authority vested in it by the Bituminous Coal Conservation Act of 1935 the Commission hereby orders as follows:

1. The District Board for District No. 14 constituting Minimum Price Area No. 3, as defined in said Act, shall forthwith establish reasonable rules and regulations incidental to the sale and distribution of coal produced by Code members within said District, which said rules and regulations shall not be inconsistent with the requirements of Section 4 of the Act, shall conform to the standards of fair competition therein established and shall contain specific proposal for rules and regulations to be made and issued by the Commission to effectuate Part II (g) of Section 4 of the Act.

2. Said District Board shall further forthwith propose price allowances to and receivable by persons who purchase coal for resale and resell it at not less than cargo or railroad carload lots and by farmers' cooperative organizations, as such organizations are defined in the second paragraph of Part II (i), 13 of Section 4 of the Act, which the Commission may prescribe pursuant to Part II (h) of Section 4 of the Act.

3. The rules and regulations established by said District Board pursuant to paragraph 1 hereof, together with a statement of the reasons therefor, and the proposal for price allowances made pursuant to paragraph 2 hereof, shall be submitted by the District Board to the Commission on or before May 9, 1936, for its consideration and action thereon.

4. The Secretary of the Commission shall forthwith transmit a copy of this Order to said District Board which shall, upon receipt thereof, prepare copies of said Order and make distribution to all Code members in the District and shall cause notice of said Order to be given to all interested persons by publication thereof in at least one newspaper of general circulation in its District on or before May 2, 1936. Proof of distribution and publication shall be filed by said District Board with the Commission on or before May 9, 1936.

Dated this 28th day of April 1936.

NATIONAL BITUMINOUS COAL COMMISSION,  
By C. F. HOSFORD, Jr., *Chairman*.

[F. R. Doc. 512—Filed, April 30, 1936; 10:40 a. m.]

## [Special Order No. 12-D]

AN ORDER REQUIRING THE ESTABLISHMENT BY THE DISTRICT BOARD CONSTITUTING MINIMUM PRICE AREA No. 4 OF RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COAL BY CODE MEMBERS WITHIN SUCH DISTRICT AND REQUIRING SUCH DISTRICT BOARD TO PROPOSE PRICE ALLOWANCES TO WHOLESALERS AND FARMERS' COOPERATIVE ORGANIZATIONS

Pursuant to authority vested in it by the Bituminous Coal Conservation Act of 1935 the Commission hereby orders as follows:

1. The District Board for District No. 15 constituting Minimum Price Area No. 4, as defined in said Act, shall forthwith establish reasonable rules and regulations incidental to the sale and distribution of coal produced by Code members within said District, which said rules and regulations shall not be inconsistent with the requirements of Section 4 of the Act, shall conform to the standards of fair competition therein established, and shall contain specific proposal for rules and regulations to be made and issued by the Commission to effectuate Part II (g) of Section 4 of the Act.

2. Said District Board shall further forthwith propose price allowances to and receivable by persons who purchase coal for resale and resell it at not less than cargo or railroad carload lots and by farmers' cooperative organizations, as such organizations are defined in the second paragraph of Part II (i), 13 of Section 4 of the Act, which the Commission may prescribe pursuant to Part II (h) of Section 4 of the Act.

3. The rules and regulations established by said District Board pursuant to paragraph 1 hereof, together with a statement of the reasons therefor, and the proposal for price allowances made pursuant to paragraph 2 hereof, shall be submitted by the District Board to the Commission on or before May 9, 1936, for its consideration and action thereon.

4. The Secretary of the Commission shall forthwith transmit a copy of this Order to said District Board which shall, upon receipt thereof, prepare copies of said Order and make distribution to all Code members in the District and shall cause notice of said Order to be given to all interested persons by publication thereof in at least one newspaper of general circulation in its District on or before May 2, 1936. Proof of distribution and publication shall be filed by said District Board with the Commission on or before May 9, 1936.

Dated this 28th day of April 1936.

NATIONAL BITUMINOUS COAL COMMISSION,  
By C. F. HOSFORD, Jr., *Chairman*.

[F. R. Doc. 513—Filed, April 30, 1936; 10:41 a. m.]

## [Special Order No. 12-F]

AN ORDER REQUIRING THE ESTABLISHMENT BY THE DISTRICT BOARD CONSTITUTING MINIMUM PRICE AREA No. 8 OF RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COAL BY CODE MEMBERS WITHIN SUCH DISTRICT AND REQUIRING SUCH DISTRICT BOARD TO PROPOSE PRICE ALLOWANCES TO WHOLESALERS AND FARMERS' COOPERATIVE ORGANIZATIONS

Pursuant to authority vested in it by the Bituminous Coal Conservation Act of 1935 the Commission hereby orders as follows:

1. The District Board for District No. 22 constituting Minimum Price Area No. 8, as defined in said Act, shall forthwith establish reasonable rules and regulations incidental to the sale and distribution of coal produced by Code members within said District, which said rules and regulations shall not be inconsistent with the requirements of Section 4 of the Act, shall conform to the standards of fair competition therein established and shall contain specific proposal for rules and regulations to be made and issued by the Commission to effectuate Part II (g) of Section 4 of the Act.

2. Said District Board shall further forthwith propose price allowances to and receivable by persons who purchase coal for resale and resell it at not less than cargo or railroad carload lots and by farmers' cooperative organizations, as such organizations are defined in the second paragraph of Part II (i), 13 of Section 4 of the Act, which the Commission may prescribe pursuant to Part II (h) of Section 4 of the Act.

3. The rules and regulations established by said District Board pursuant to paragraph 1 hereof, together with a statement of the reasons therefor, and the proposal for price allowances made pursuant to paragraph 2 hereof, shall be submitted by the District Board to the Commission on or before May 12, 1936, for its consideration and action thereon.

4. The Secretary of the Commission shall forthwith transmit a copy of this Order to said District Board which shall, upon receipt thereof, prepare copies of said Order and make distribution to all Code members in the District and shall cause notice of said Order to be given to all interested persons by publication thereof in at least one newspaper of general circulation in its District on or before May 2, 1936. Proof of distribution and publication shall be filed by said District Board with the Commission on or before May 9, 1936.

Dated this 28th day of April 1936.

NATIONAL BITUMINOUS COAL COMMISSION,  
By C. F. HOSFORD, Jr., *Chairman*.

[F. R. Doc. 514—Filed, April 30, 1936; 10:41 a. m.]

## [Special Order No. 12-G]

AN ORDER REQUIRING THE ESTABLISHMENT BY THE DISTRICT BOARD CONSTITUTING MINIMUM PRICE AREA No. 9 OF RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COAL BY CODE MEMBERS WITHIN SUCH DISTRICT AND REQUIRING SUCH DISTRICT BOARD TO PROPOSE PRICE ALLOWANCES TO WHOLESALERS AND FARMERS' COOPERATIVE ORGANIZATIONS

Pursuant to authority vested in it by the Bituminous Coal Conservation Act of 1935 the Commission hereby orders as follows:

1. The District Board for District No. 23 constituting Minimum Price Area No. 9, as defined in said Act, shall forthwith establish reasonable rules and regulations incidental to the sale and distribution of coal produced by Code members within said District, which said rules and regulations shall not be inconsistent with the requirements of Section 4 of the Act, shall conform to the standards of fair competition therein established, and shall contain specific proposal for rules and regulations to be made and issued by the Commission to effectuate Part II (g) of Section 4 of the Act.

2. Said District Board shall further forthwith propose price allowances to and receivable by persons who purchase coal for resale and resell it at not less than cargo or railroad carload lots and by farmers' cooperative organizations, as such organizations are defined in the second paragraph of Part II (i), 13 of Section 4 of the Act, which the Commission may prescribe pursuant to Part II (h) of Section 4 of the Act.

3. The rules and regulations established by said District Board pursuant to paragraph 1 hereof, together with a statement of the reasons therefor, and the proposal for price allowances made pursuant to paragraph 2 hereof, shall be submitted by the District Board to the Commission on or before May 12, 1936, for its consideration and action thereon.

4. The Secretary of the Commission shall forthwith transmit a copy of this Order to said District Board which shall, upon receipt thereof, prepare copies of said Order and make distribution to all Code members in the District and shall cause notice of said Order to be given to all interested persons by publication thereof in at least one newspaper of



general circulation in its District on or before May 2, 1936. Proof of distribution and publication shall be filed by said District Board with the Commission on or before May 9, 1936. Dated this 28th day of April, 1936.

NATIONAL BITUMINOUS COAL COMMISSION,  
By C. F. HOSFORD, Jr., *Chairman*.

[F. R. Doc. 515—Filed, April 30, 1936; 10:42 a. m.]

[Special Order No. 12-H]

AN ORDER REQUIRING THE ESTABLISHMENT AND COORDINATION BY ALL DISTRICT BOARDS IN MINIMUM PRICE AREA NO. 5 OF RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COAL BY CODE MEMBERS WITHIN SUCH DISTRICT AND REQUIRING SUCH DISTRICT BOARDS TO PROPOSE PRICE ALLOWANCES TO WHOLESALERS' AND FARMERS' COOPERATIVE ORGANIZATIONS

Pursuant to authority vested in it by the Bituminous Coal Conservation Act of 1935, the Commission hereby orders as follows:

1. Each District Board for the Districts included in Minimum Price Area No. 5, as defined in said Act, shall forthwith establish reasonable rules and regulations incidental to the sale and distribution of coal produced by Code members within said District, which said rules and regulations shall not be inconsistent with the requirements of Section 4 of the Act, shall conform to the standards of fair competition therein established, and shall contain specific proposal for rules and regulations to be made and issued by the Commission to effectuate Part II (g) of Section 4 of the Act.

2. Each such District Board shall further forthwith propose price allowances receivable by persons who purchase coal for resale and resell it at not less than cargo or railroad carload lots and by farmers' cooperative organizations, as such organizations are defined in the second paragraph of Part II (i), 13 of Section 4 of the Act, which the Commission may prescribe pursuant to Part II (h) of Section 4 of the Act.

3. The rules and regulations established by each such District Board pursuant to paragraph 1 hereof, together with a statement of the reasons therefor, and the proposal for price allowances made pursuant to paragraph 2 hereof shall be submitted by the District Board to the Commission on or before May 12, 1936.

4. Each such District Board shall by formal resolution designate a representative or representatives of the Board with full authority to attend the meeting which shall be held under the direction of the Commission at 10 o'clock A. M., May 12, 1936, at the offices of the Commission in Washington, D. C., for the purpose of coordinating such rules and regulations in conformity with the requirements of Part II (b) of Section 4 of the Act, and to act in its behalf thereat. The coordination of such established rules and regulations shall be completed, and the rules and regulations as coordinated and the proposal for price allowances shall be submitted to the Commission not later than May 13, 1936, for consideration and action by the Commission.

5. The Secretary of the Commission shall forthwith transmit a copy of this Order to each District Board described in paragraph 1 hereof which shall, upon receipt thereof, prepare copies of said Order and make distribution to all Code members in the District and shall cause notice of said Order to be given to all interested persons by publication thereof in at least one newspaper of general circulation in its District on or before May 4, 1936. Proof of distribution and publication shall be filed by each said District Board with the Commission on or before May 11, 1936.

Dated this 28th day of April 1936.

NATIONAL BITUMINOUS COAL COMMISSION,  
By C. F. HOSFORD, Jr., *Chairman*.

[F. R. Doc. 516—Filed, April 30, 1936; 10:42 a. m.]

[Special Order No. 12-I]

AN ORDER REQUIRING THE ESTABLISHMENT AND COORDINATION BY ALL DISTRICT BOARDS IN MINIMUM PRICE AREA NO. 6 OF RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COAL BY CODE MEMBERS WITHIN SUCH DISTRICT AND REQUIRING SUCH DISTRICT BOARDS TO PROPOSE PRICE ALLOWANCES TO WHOLESALERS' AND FARMERS' COOPERATIVE ORGANIZATIONS

Pursuant to authority vested in it by the Bituminous Coal Conservation Act of 1935, the Commission hereby orders as follows:

1. Each District Board for the Districts included in Minimum Price Area No. 6, as defined in said Act, shall forthwith establish reasonable rules and regulations incidental to the sale and distribution of coal produced by Code members within said District, which said rules and regulations shall not be inconsistent with the requirements of Section 4 of the Act, shall conform to the standards of fair competition therein established and shall contain specific proposal for rules and regulations to be made and issued by the Commission to effectuate Part II (g) of Section 4 of the Act.

2. Each such District Board shall further forthwith propose price allowances receivable by persons who purchase coal for resale and resell it at not less than cargo or railroad carload lots and by farmers' cooperative organizations, as such organizations are defined in the second paragraph of Part II (i), 13 of Section 4 of the Act, which the Commission may prescribe pursuant to Part II (h) of Section 4 of the Act.

3. The rules and regulations established by each such District Board pursuant to paragraph 1 hereof, together with a statement of the reasons therefor, and the proposal for price allowances made pursuant to paragraph 2 hereof shall be submitted by the District Board to the Commission on or before May 12, 1936.

4. Each such District Board shall by formal resolution designate a representative or representatives of the Board with full authority to attend the meeting which shall be held under the direction of the Commission at 10 o'clock A. M., May 12, 1936, at the offices of the Commission in Washington, D. C., for the purpose of coordinating such rules and regulations in conformity with the requirements of Part II (b) of Section 4 of the Act, and to act in its behalf thereat. The coordination of such established rules and regulations shall be completed, and the rules and regulations as coordinated and the proposal for price allowances shall be submitted to the Commission not later than May 13, 1936, for consideration and action by the Commission.

5. The Secretary of the Commission shall forthwith transmit a copy of this Order to each District Board described in paragraph 1 hereof which shall, upon receipt thereof, prepare copies of said Order and make distribution to all Code members in the District and shall cause notice of said Order to be given to all interested persons by publication thereof in at least one newspaper of general circulation in its District on or before May 4, 1936. Proof of distribution and publication shall be filed by each said District Board with the Commission on or before May 11, 1936.

Dated this 28th day of April 1936.

NATIONAL BITUMINOUS COAL COMMISSION,  
By C. F. HOSFORD, Jr., *Chairman*.

[F. R. Doc. 517—Filed, April 30, 1936; 10:42 a. m.]

[Special Order No. 38]

AN ORDER DETERMINING THE WEIGHTED AVERAGE OF THE TOTAL COSTS FOR MINIMUM PRICE AREA NO. 6 AND RESCINDING SPECIAL ORDER NO. 20

It appearing to the Commission, as a result of hearings held by it pursuant to Special Orders No. 21 and 26, entered January 30th and February 20th, 1936, respectively, that a redetermination of the weighted average of the total costs of the tonnages for Minimum Price Area No. 6 is necessary in order to reflect as accurately as possible the changes since

January 1, 1934, which have substantially affected costs, as provided in Section 4, Part II (a) of the Act; and

Upon reconsideration of the determinations of the District Boards for the Districts contained in Minimum Price Area No. 6, as defined in the Act, of the weighted average of the total costs of ascertainable tonnages produced in their respective districts for the calendar year 1934, together with the computations upon which said determinations were based, as filed with the Commission pursuant to Special Orders No. 6-m and 6-p of the Commission, entered December 21 and 26, 1935, respectively, and in accordance with Section 4, Part II (a) of the Act, and upon consideration of the revised report of its Division of Statistics upon said determinations entered in Dockets No. (19), (20)-9-2, April 13, 1936:

Now, therefore, pursuant to authority vested in it by the Bituminous Coal Conservation Act of 1935, the Commission hereby orders as follows:

1. That the said revised report of the Division of Statistics including each of the conclusions and recommendations therein contained be, and it is hereby, adopted by the Commission.

2. That the said weighted average of the total costs of the tonnage for Minimum Price Area No. 6 in the calendar year 1924 be, and it is hereby, determined to be the sum of Two Dollars and Thirty-Two Cents (\$2.32) per net ton.

3. That Special Order No. 20 be, and it is hereby, rescinded.

4. That the Secretary of the Commission shall immediately transmit a copy of this order to the District Board for each of the Districts constituting Minimum Price Area No. 6.

5. That the Secretary of the Commission shall keep the weighted average figures of total costs as determined herein available to the public at all reasonable times.

Dated this 29th day of April, 1936.

NATIONAL BITUMINOUS COAL COMMISSION,  
By C. F. HOSFORD, Jr., *Chairman*.

[F. R. Doc. 518—Filed, April 30, 1936; 10:43 a. m.]

[Special Order No. 39]

AN ORDER REQUIRING DISTRICT BOARDS FOR DISTRICTS INCLUDED IN MINIMUM PRICE AREA NO. 6 TO SUBMIT SCHEDULES OF MINIMUM PRICES

The Commission having held hearings in accordance with Special Orders Nos. 21 and 26, entered January 30 and February 20, 1936, respectively, to determine the feasibility and advisability of coordinating price schedules in common consuming market areas on the basis of a weighted average cost of Two Dollars and Fifty-Three Cents (\$2.53) per net ton in Minimum Price Area No. 6, as determined by the Commission in Special Order No. 20, and the Commission having now, as the result of said hearings, made its Special Order No. 38, issued April 29, 1936, determining the weighted average of the total cost of the tonnage in said Minimum Price Area No. 6, in the calendar year 1934, adjusted as required by the Act, to be the sum of Two Dollars and Thirty-Two Cents (2.32) per net ton:

Now, therefore, pursuant to authority vested in it by the Bituminous Coal Conservation Act of 1935, the Commission hereby orders as follows:

1. Each of the District Boards for Districts 19 and 20, constituting Minimum Price Area No. 6, shall forthwith proceed, in accordance with the provisions of Section 4, Part II (a) of the Act, to establish minimum prices for their respective districts based on said weighted average of the total costs for Minimum Price Area No. 6, and, shall, within 10 days of the date of this Order, submit to the Commission schedules of such minimum prices, together with the data upon which they are computed, including, but without limitation, the factors considered in determining the price relationship.

2. Each of said District Boards shall comply with the provisions of paragraph 1 of this Order by reviewing the schedules of minimum prices previously filed by it pursuant to Special Order No. 21, entered January 30, 1936, and revising such schedules so as to give full effect to the actual

weighted average of the total costs for such Minimum Price Area, to-wit: Two Dollars and Thirty-Two Cents (\$2.32) per net ton and filing with the Commission on or before May 9, 1936, such revised schedules, together with the data upon which they are computed, including, but without limitation, the factors considered in determining the price relationships so revised.

3. Each of said District Boards shall, by formal resolution, copies of which shall be filed with the Commission, immediately designate a representative or representatives with full authority to act on behalf of said District Board in the premises, to meet with the similarly authorized representative or representatives from other District Boards within Minimum Price Area No. 6, for the purpose of coordinating proposed minimum prices in common consuming market areas as provided in Section 4, Part II (b) of the Act.

4. All such representatives of the District Boards within Minimum Price Area No. 6 shall meet at the offices of the Commission in Washington, D. C., on the 13th day of May 1936, at ten o'clock A. M., and under the direction of the Commission shall coordinate such proposed minimum prices, and shall submit on behalf of such District Boards on or before the 18th day of May 1936, for approval, disapproval, or modification by the Commission, schedules of such minimum prices, duly coordinated in conformity with Section 4 of said Act, for application in common consuming market areas.

5. Common consuming market areas may be defined and coordination of minimum prices may be established as contemplated by this Order by agreement of interested District Boards, in which event all such agreements, together with the data upon which they are predicated, shall be submitted on or before May 15, 1936, to the Commission for approval, disapproval, or modification. In default of such agreement each District Board in Minimum Price Area No. 6 shall, on or before May 18, 1936, establish and submit to the Commission definitions of all consuming market areas deemed by it to be common to its District and the other District in Minimum Price Area No. 6, and complete schedules of minimum prices coordinated by it in all such common consuming market areas, together with the data upon which such areas and prices are predicated.

6. Notwithstanding the failure of any of said District Boards to comply with any requirement of this Order, the Commission, in its discretion, may proceed at any time after May 18, 1936, without further notice or hearing, to establish and make effective coordinated minimum prices for application to all Code members in Minimum Price Area No. 6.

7. The Secretary of the Commission shall immediately transmit a copy of this Order to each of the District Boards included in Minimum Price Area No. 6, and each District Board shall, upon receipt thereof, prepare and transmit copies thereof to all Code members subject to its jurisdiction, and shall file with the Commission proof of such distribution, by affidavit on or before the 9th day of May 1936.

8. All previous Orders or parts of Orders of the Commission in any manner inconsistent herewith are hereby revised and amended so as to conform to the provisions of this Order.

Dated this 29th day of April 1936.

NATIONAL BITUMINOUS COAL COMMISSION,  
By C. F. HOSFORD, Jr., *Chairman*.

[F. R. Doc. 519—Filed, April 30, 1936; 10:43 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Adjustment Administration.

ORDER REGULATING THE HANDLING OF FRESH LETTUCE, PEAS, AND CAULIFLOWER GROWN IN WESTERN WASHINGTON

Whereas, it is provided in Section 8c of the Agricultural Adjustment Act, approved May 12, 1933, as amended (hereinafter called the act), as follows:

(1) The Secretary of Agriculture shall, subject to the provisions of this section, issue, and from time to time amend, orders applicable to processors, associations of producers, and others en-

gaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of this section. Such persons are referred to in this title as "handlers." Such orders shall regulate, in the manner hereinafter in this section provided, only such handling of such agricultural commodity, or product thereof, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof.

and

Whereas, the Secretary of Agriculture, having reason to believe that the issuance of an order would tend to establish and maintain such marketing conditions for lettuce, peas, and cauliflower grown in Western Washington as will reestablish prices to growers at a level that will give such commodities a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such commodities in the base period, did, pursuant to the provisions of the act and the regulations thereunder, on the 3d day of December, 1935, give notice of a hearing to be held in Seattle, Washington, on December 18, 1935, on a proposed order regulating the handling of lettuce, peas, and cauliflower grown in Western Washington, and did upon said date and at said place conduct a public hearing thereon, and did give due opportunity to all interested parties to be heard concerning said proposed order; and

Whereas, the Secretary of Agriculture has found and proclaimed that the purchasing power of such lettuce, peas, and cauliflower during the base period, August 1909-July 1914, cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of lettuce and peas can be satisfactorily determined from available statistics of the Department of Agriculture for the period 1920-1928, and that the purchasing power of cauliflower can be satisfactorily determined from available statistics of the Department of Agriculture for the period 1926-1928; and

Whereas, the Secretary of Agriculture has declared and proclaimed the period 1920-1928 to be the base period with respect to lettuce and peas, and the period 1926-1928 to be the base period with respect to cauliflower; and

Whereas, the Secretary of Agriculture finds upon the evidence introduced at the said hearing and the record thereof;

(1) That customarily more than ninety (90) percent of all straight carlot shipments of lettuce, peas, and cauliflower grown in Western Washington is in the current of interstate or foreign commerce and directly burdens, obstructs, or affects such commerce;

(2) That, in order to give such lettuce a purchasing power with respect to articles that farmers buy equivalent to the average purchasing power of such lettuce during the base period 1920-1928, the average farm price should have been \$1.22 per western crate, during the 1935 season;

(3) That the average farm price of such lettuce for the 1935 season was approximately \$0.65 per crate;

(4) That, in order to give such peas a purchasing power with respect to articles that farmers buy equivalent to the average purchasing power of said commodity during the base period 1920-1928, the average farm price for such commodity should have been \$1.64 per bushel hamper, during the 1935 season;

(5) That the average farm price of such peas during the season of 1935 was approximately \$0.90 per bushel hamper;

(6) That, in order to give said cauliflower a purchasing power with respect to articles that farmers buy equivalent to the average purchasing power of said commodity during the base period 1926-1928, the average price for such commodity should have been \$0.94 per crate, during the 1935 season;

(7) That the average farm price of such cauliflower during the 1935 season was approximately \$0.90 per crate;

(8) That the average farm price per western crate of said lettuce constituted in 1933, 60 percent; in 1934, 45 percent; and in 1935, 53 percent of the purchasing power of said lettuce during the said base period;

(9) That the average farm price per bushel hamper of peas constituted in 1933, 46 percent; in 1934, 75 percent; and in 1935, 55 percent of the purchasing power of said peas during the said base period;

(10) That the average farm price per crate of said cauliflower constituted in 1933, 86 percent; in 1934, 60 percent; and in 1935, 96 percent of the purchasing power of said cauliflower during the base period;

(11) That in the past the lack of regulation of shipments of lettuce, peas, and cauliflower produced in this area was an important factor contributing to unstable marketing conditions for said commodities and consequent depressed prices to growers;

(12) That the regulation of shipments of lettuce, peas, and cauliflower by grades and by sizes and the method of proration, as prescribed by this order, will serve to prevent fluctuations of prices to growers, particularly fluctuations which are so low as to represent losses to growers, and thereby establish and maintain a more stable market for said commodities, tending to restore prices to growers of said commodities to a level that will have a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of said commodities in their respective base periods;

(13) That the method of prorating shipments among handlers and the methods of regulating shipments by grades and by sizes are fair and equitable;

(14) That this order is limited in its application to the smallest regional production area that is practicable, and that the issuance of several orders applicable to any subdivisions of the regional area covered by this order would not effectively carry out the declared policy of said Title I of the act with respect to establishing and maintaining such marketing conditions for lettuce, peas, and cauliflower as will reestablish prices to growers that will give such commodities a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such commodities in the base period;

(15) That the expenses that will necessarily be incurred by the Control and Proration Committees during the season of 1936 for the maintenance and functioning of said committees will be approximately \$3,350; that such expenses are fair and reasonable; and that the prorata share thereof of each handler in the amount of \$1.50 for each car of such commodities shipped in interstate or foreign commerce is fair and reasonable and is approved;

(16) That the interest of the consumer is protected by reason of the fact that the order is designed to operate so as to approach the level of prices which it is declared to be the policy of Congress to establish by securing a gradual correction of the current level of prices at as rapid a rate as the Secretary of Agriculture deems to be in the public interest and feasible in view of the current consumptive demand in the domestic and foreign markets, and by reason of the fact that the order authorizes no action which has for its purpose the maintenance of prices to farmers above the level which it is declared to be the policy of Congress to establish in subsection (1) of section 2 of said Title I; and

(17) That this order will tend to establish and maintain such marketing conditions for lettuce, peas, and cauliflower as will reestablish prices to growers at a level that will give such commodities a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such commodities in the base period; and

(18) That there are no differences in the production and marketing of said commodities in the production area covered by this order that make necessary different terms applicable to different parts of such area; and

Whereas, the Secretary of Agriculture finds (1) that the marketing agreement regulating the handling of lettuce, peas, and cauliflower grown in Western Washington, executed by him on the 29th day of April 1936, and upon which a public hearing was held on December 18, 1935, was signed by handlers who handled more than fifty (50) percent of the volume of such commodities produced annually; and

(2) That this order regulates the handling of said commodities in the same manner as the said marketing agreement does, and is made applicable only to persons in the respective classes of industrial and commercial activities specified in the aforesaid marketing agreement; and



Whereas, the Secretary of Agriculture finds and determines that the issuance of this order is favored by producers who, during the marketing season of 1935, which the Secretary determines to be a representative period, produced for market at least two-thirds of the volume of such commodities produced for market within the production area specified in such order;

Now, therefore, it is ordered by the Secretary of Agriculture, acting under the authority vested in him as aforesaid, that the handling of said lettuce, peas, and cauliflower in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce in such commodities, from and after the date herein specified, shall be in conformity to, and in compliance with, the terms and conditions of this order.

#### ARTICLE I. DEFINITIONS

##### SECTION 1. *Definitions and terms.*—As used in this order:

1. "Secretary" means the Secretary of Agriculture of the United States.
2. "Act" means the Agricultural Adjustment Act, approved May 12, 1933, as amended.
3. "Person" means individual, partnership, corporation, association or any other business unit.
4. "Lettuce" means any and all varieties of lettuce grown in Western Washington for sale for consumption in fresh form.
5. "Peas" means any and all varieties of peas grown in Western Washington for sale for consumption in fresh form.
6. "Cauliflower" means any and all varieties of cauliflower grown in Western Washington for sale for consumption in fresh form.
7. "Grower" means any person engaged in producing lettuce, peas, or cauliflower in Western Washington.
8. "To ship" means to convey or cause to be conveyed, in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce, by railroad, truck, boat or in any other manner whatsoever, but not as a common carrier for another person.
9. "To handle" means to ship, market, sell, consign, or in any way deal in lettuce, peas, or cauliflower whether as owner, agent, or otherwise in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce.
10. "Handler" means any person engaged in shipping, marketing, handling, selling, consigning, or dealing in, in person, or as or through an agent, broker, or representative or otherwise, lettuce, peas, or cauliflower, from or within Western Washington in the current of interstate or foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce.
11. "Control Committee" means the Control Committee established pursuant to article II hereof.
12. "Proration Committee" means the Proration Committee established pursuant to article II hereof.
13. "Western Washington" means that part of the State of Washington lying west of the summit of the Cascade Mountains.
14. "District" means the several geographical areas within Western Washington designated and described as follows:

Auburn District, comprising that part of King County lying south of a line extending due east and west through the center of the city of Thomas;

Sumner District, comprising Pierce County;

Seattle District, comprising that portion of King County, lying east of Puget Sound, south of the south line of Snohomish County, north of a line due east and west through the center of Riverton and west of Lake Washington, and a line extended due north from the northernmost point of said lake to the Snohomish county line, and a line due south from the southernmost point of said lake to its intersection with the above-described southern boundary of said district;

Kent District, comprising that portion of King County lying north of a line due east and west through the center of the city of Thomas, east of Puget Sound and bounded on

the north and east by the southerly boundary of the Seattle District, and by a line drawn from the southeastern corner of said Seattle District to the intersection of the southerly boundary of said Kent District with the eastern boundary of King County;

Lake District, comprising that portion of King County lying east of the Seattle District and north of the Kent District;

North District, comprising the counties of Snohomish, Skagit, Whatcom, and Clallam; and

Grays Harbor District, comprising that part of Western Washington not included within the other districts.

#### ARTICLE II. SUPERVISORY BODIES

SECTION 1. *Control Committee Membership.*—1. A Control Committee is hereby established consisting of eleven (11) members. The initial members and their respective alternates shall be as follows:

(a) F. H. Hogue, Jr., Kent, Washington, as member; Harry S. Kuramoto, Kent, Washington, as alternate; to represent the Kent District;

(b) E. K. Saito, Kent, Washington, as member; Harold G. Bauer, Kent, Washington, as alternate; to represent the Kent District;

(c) James T. Rice, Auburn, Washington, as member; George Yasumura, Auburn, Washington, as alternate; to represent the Auburn District;

(d) T. Sakahara, Tacoma, Washington, as member; Jos. Yasumura, Sumner, Washington, as alternate; to represent the Sumner District;

(e) Lloyd Pickering, Montesano, Washington, as member; Lee Foster, Montesano, Washington, as alternate; to represent the Grays Harbor District;

(f) Henry Arles, Kirkland, Washington, as member, G. T. Akagi, Seattle, Washington, as alternate, to represent the Seattle District.

(g) George K. Iida, Seattle, Washington, as member, Max Tominaga, Bellevue, Washington, as alternate, to represent the Lake District;

(h) Carl Nelson, Marysville, Washington, as member, Garvick Olsen, East Stanwood, Washington, as alternate, to represent the North District;

(i) J. A. Oliver, Kent, Washington, as member, George Berlin, Kent, Washington, as alternate, as representative at large;

(j) W. R. Lebo, Seattle, Washington, as member, S. Yamashita, Seattle, Washington, as alternate, as representative at large; and

(k) Ed. Orton, Sumner, Washington, as member, W. A. Heath, Auburn, Washington, as alternate, as representative at large.

The members and alternates named in this paragraph shall hold office for a term ending December 31, 1936, and until their successors are selected and shall qualify.

2. The successors to the above-named members of the Control Committee and their respective alternates shall be selected by the Secretary from nominations made by the handlers as hereinafter provided. Nominations for such successors shall be by an election in which all handlers shall be entitled to participate. In any such election, each handler shall be entitled to cast but one vote on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives for each nominee to be selected.

3. The number of nominees to be selected and the method of selecting members and alternates shall be as follows: For each member and each respective alternate two persons shall be nominated. Each of such nominees (except nominees at large) shall be either a handler whose principal place of business is in the district, or a grower who produces lettuce, peas, or cauliflower in the district for which he is nominated. From nominations made for the district of Kent, the Secretary shall select two members and an alternate for each member to represent said district. From nominations made for each of the districts of Auburn, Sumner, Grays Harbor, Seattle, Lake, and North, the Secretary shall select one member and his alternate to represent said districts respectively.

From nominations made at large the Secretary shall select three members and their respective alternates.

SEC. 2. *Proration Committee Membership.*—1. A Proration Committee is hereby established consisting of thirteen (13) members. Of this number six (6) members and their respective alternates shall be handlers and six (6) members and their respective alternates shall be growers. The initial members and their respective alternates shall be as follows:

- (a) F. H. Hogue, Jr., as member, and K. Hanada, as alternate;
- (b) George K. Iida, as member, and Max Tominaga, as alternate;
- (c) Lee Foster, as member, and Lloyd Pickering, as alternate;
- (d) E. K. Saito, as member, and W. L. Hathaway, as alternate;
- (e) T. Sakahara, as member, and Giro Yoshioka, as alternate;
- (f) Henry Arles, as member, and S. Yamashita, as alternate;
- (g) Joseph Yasumura, as member, and Jacob Stelling, as alternate;
- (h) John Zanassi, as member, and George Ishihara, as alternate;
- (i) Carl Nelson, as member, and Garvik Olsen, as alternate;
- (j) James T. Rice, as member, and R. Terada, as alternate;
- (k) H. Kuramoto, as member, and Mondo Desimon, as alternate;
- (l) Harold G. Bauer, as member, and G. T. Akagi, as alternate; and
- (m) Floyd Oles, as member, and J. A. Oliver, as alternate.

The members and alternates named in this paragraph shall hold office for a term ending December 31, 1936, and until their successors are selected and shall qualify.

2. The successors to the above-named members of the Proration Committee, except the last named, and their respective alternates, shall be selected by the Secretary from nominations made by handlers and from nominations made by growers.

3. Nominations for successors to (a) the six (6) members and six (6) alternates to represent handlers shall be by an election in which all handlers shall be entitled to participate, and (b) the six (6) members and six (6) alternates to represent growers shall be by an election in which all growers shall be entitled to participate. In any such election each handler and each grower shall be entitled to cast but one vote on behalf of himself, agents, partners, affiliates, subsidiaries, and representatives for each nominee to be selected. The six (6) members representing handlers and the six (6) members representing growers selected by the Secretary may submit two nominations for each of the successors to the member and alternate last above-named.

4. The number of nominees to be selected and the method of selecting members and alternates shall be as follows: For each member and each respective alternate two (2) persons shall be nominated. From nominations made for each member and for each alternate, the Secretary shall select respectively, a member and his alternate.

SEC. 3. *Failure to Select Nominees.*—In the event nominations are not made pursuant to sections 1 and 2 of this article by February 1 of any year, the Secretary may select such member or alternate without regard to nominations. If nominations for successors to the last-named member and alternate of the Proration Committee are not submitted on or before March 1 of any year, the Secretary may select such successors without such nomination.

SEC. 4. *Term of Office of Committee Members.*—Members of the Control and Proration Committees and their respective alternates, subsequent to the members and alternates named in sections 1 and 2, shall be selected annually for a term of one year, beginning the first day of January and shall serve until their respective successors shall be selected and shall qualify. Any person selected as member

or alternate of the Control or Proration Committees shall qualify by filing a written acceptance of his appointment with the Secretary or with his designated representative.

SEC. 5. *Vacancies.*—To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member of the Proration or Control Committees, a successor for his unexpired term shall be selected in the manner indicated in sections 1 and 2 of this article, within twenty (20) days after such vacancy occurs. If a nomination to fill such vacancy is not made within twenty (20) days, the Secretary may select a member to fill such vacancy without regard to nominations.

SEC. 6. *Organization.*—The members of the Control and Proration Committees shall select a chairman from their respective memberships. The Control and Proration Committees shall select such other officers and adopt such rules for the conduct of their respective business as they may deem advisable. The Control and Proration Committees shall give the Secretary or his designated agent and representatives the same notice of meetings of the respective committees as is given to members thereof.

SEC. 7. *Inability of Members to Serve.*—1. An alternate for a member of the Control or Proration Committee shall act in the place and stead of such member (a) in his absence, or (b) in the event of his removal, resignation, disqualification, or death until a successor for his unexpired term has been selected.

2. In the event any member of the Control or Proration Committee and his alternate are both unable to attend a meeting of the Control or Proration Committee, such member or, in the event he is disqualified or the position is vacant, his alternate may designate, subject to the approval of the Secretary, a temporary substitute to attend such meeting. At such meeting the temporary substitute may act in the place and stead of the member.

3. The members of the control Committee and the Proration Committee shall serve without compensation, but shall be entitled to expenses necessarily incurred in the performance of their duties hereunder.

SEC. 8. *Powers of Control Committee.*—The Control Committee shall have the following powers:

- 1. To administer, as hereinafter specifically provided, the terms and provisions of this order;
- 2. To make, in accordance with the provisions hereinafter contained, administrative rules and regulations;
- 3. To receive, investigate, and report to the Secretary of Agriculture complaints of violations of this order; and
- 4. To recommend to the Secretary of Agriculture amendments to this order.

SEC. 9. *Duties of Control Committee.*—The Control Committee shall have the following duties:

- 1. To act as intermediary between the Secretary and any grower or handler;
- 2. To keep minute books and records which will clearly reflect all of its acts and transactions, which minute books and records shall at any time be subject to the examination of the Secretary;
- 3. To furnish to the Secretary such available information as he may request;
- 4. To select a Managing Agent and to appoint such employees as it may deem necessary and to determine the salaries and define the duties of any such employees;
- 5. To perform such duties in connection with the administration of section 32 of the Act to Amend the Agricultural Adjustment Act, and for other purposes, Public, No. 320, approved by the President August 24, 1935, as may from time to time be assigned to it by the Secretary; and
- 6. To confer with handlers and growers in other areas with respect to the formulation or operation of marketing agreements providing for the regulation of shipments among the several areas where lettuce, peas, or cauliflower are grown.

SEC. 10. *Powers and Duties of the Proration Committee.*—The Proration Committee shall have the following powers and duties:

- 1. To administer, as hereinafter specifically provided, those provisions of this order under its jurisdiction; and

2. To adopt administrative rules and regulations for the performance of its duties under this order.

SEC. 11. *Procedure.*—1. Any decision of the Control Committee shall be by the affirmative vote of not less than seven (7) members who have qualified by filing their written acceptance and who are eligible to vote. Any decision of the Proration Committee shall be by the affirmative vote of not less than eight (8) of its members who have qualified by filing their written acceptance and who are eligible to vote, at least four (4) of whom shall be members selected by growers.

2. The members of the Control and Proration Committees (including successors, alternates, or other persons selected by the Secretary) and any agent or employee appointed or employed by such committees shall be subject to removal or suspension by the Secretary at any time. Each action of the Control and Proration Committees shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

SEC. 12. *Funds and Other Property.*—1. All funds received by the Control Committee pursuant to any of the provisions of this order shall be used solely for the purposes herein specified and the Secretary may require the Control Committee and its members to account for all receipts and disbursements.

2. The Managing Agent selected by the Control Committee shall also be the Managing Agent for the Proration Committee, and shall have charge of all books, records, and other property of said committees. He shall act as secretary to all subcommittees which may be selected or appointed. Upon the death, resignation, removal, or expiration of the term of office of any member of the Control or Proration Committees or of the Managing Agent, all books, records, funds, and other property in his possession shall be delivered to the Control Committee or to his successor in office, and such assignments and other instruments shall be executed as may be necessary to vest in the Control Committee or his successor full title to all the books, records, funds, and other property in his possession or under his control.

#### ARTICLE III. PERIOD PRORATION

SECTION 1. *Determination of Regulation Periods.*—1. Whenever the Proration Committee deems it advisable to regulate the flow of shipments of lettuce, peas, or cauliflower in the current of interstate or foreign commerce during any particular period or periods within the season, it shall recommend to the Secretary the establishment of a regulation period or series of regulation periods, including the time of commencement and duration thereof. Such recommendation shall be made at a meeting of the Proration Committee held at least forty-eight (48) hours prior to the commencement of such recommended regulation period or series of regulation periods. The Proration Committee shall promptly notify handlers and growers of such recommendation and such notice shall contain a direction to handlers and growers to make the applications required pursuant to section 2 of this article.

2. Based upon the recommendations made pursuant to paragraph 1 of this section or other information, the Secretary may establish a regulation period or series of regulation periods, if he has reason to believe that regulation of shipments of lettuce, peas, or cauliflower in the current of interstate or foreign commerce, during any particular period or periods within the season, will tend to effectuate the declared policy of the act.

3. Whenever the Secretary establishes a regulation period or series of regulation periods, he shall notify the Proration Committee of the establishment thereof. The Proration Committee shall give notice of any regulation of shipments established by the Secretary by issuing a press release and by such other means as the Proration Committee deems necessary to give immediate information of such order to the growers and handlers affected thereby.

SEC. 2. *Applications by Handlers.*—Each handler (including any grower who has not given a handler authority to handle his lettuce, peas, or cauliflower shipments) desiring to ship lettuce, peas, or cauliflower during such regulation period, shall make application to the Proration Committee for an allotment at such time and in such manner as said committee may prescribe. Applications shall be substantiated in such manner as the Proration Committee may prescribe. Each handler shall state in his application the quantity of lettuce, peas, or cauliflower which he has available and intends to ship during such regulation period. Such statement shall show (a) the quantity which he owns and (b) the quantity which he has authority to handle for each owner or grower thereof, together with the name of each such owner or grower. During any such regulation period, any quantity prohibited from shipment, pursuant to article IV, shall not be considered as available for shipment for the purposes of this article.

SEC. 3. *Revision of Application.*—The Proration Committee shall check the accuracy of any application filed pursuant to section 2 and, subject to the opportunity for applicants to be heard, under such rules as may be prescribed by the said committee, shall revise the same when necessary to conform to the check.

SEC. 4. *Available and Intended for Shipment.*—From the applications filed with the Proration Committee pursuant to section 2 hereof, as the same may be revised pursuant to section 3 hereof, said committee shall list the quantity of lettuce, peas, or cauliflower which each handler has available and intends for shipment during such regulation period and compute the total quantity which all handlers have available and intend to ship during such regulation period.

SEC. 5. *Advisable Shipments.*—The Proration Committee shall determine for each regulation period the total quantity of lettuce, peas, or cauliflower which it deems advisable to be shipped during such regulation period. In determining such advisable quantity, said committee shall give consideration to the supply of and demand for lettuce, peas, or cauliflower for which regulation is contemplated.

SEC. 6. *Allotments.*—The Proration Committee shall compute the allotment percentage by dividing the quantity deemed advisable to be shipped, determined pursuant to section 5 of this article, by the total quantity available and intended for shipment, computed pursuant to section 4 of this article. Said committee shall compute the allotment of each applicant by applying the allotment percentage to each applicant's quantity of lettuce, peas, or cauliflower available and intended for shipment, as listed pursuant to section 4 of this article. Thereupon said committee shall report to the Secretary its computations made pursuant to this section, and to sections 4 and 5 of this article, together with all information and data on which such computations are based.

SEC. 7. *Determination of Allotments by the Secretary.*—1. From the reports and computations made pursuant to this article or any other available information the Secretary shall determine: (a) the quantity of lettuce, peas, or cauliflower available and intended for shipment by each handler during such regulation period; (b) the total quantity of lettuce, peas, or cauliflower available and intended for shipment by all handlers during such period; (c) the total quantity of lettuce, peas, or cauliflower advisable for shipment during such period; (d) the allotment percentage for such period; and (e) the allotment for each handler during such period.

2. The Secretary shall advise the Proration Committee of the determinations made pursuant to paragraph 1 of this section, and the committee shall notify each handler of his allotment and of the allotment percentage.

3. Each handler shall apportion the quantity of lettuce, peas, or cauliflower represented by his allotment equitably among the growers whose lettuce, peas, or cauliflower he has authority to ship (including lettuce, peas, or cauliflower produced by such handler).

SEC. 8. *Transfer of Allotments.*—Subject to procedure, rules, and regulations prescribed by the Proration Committee and approved by the Secretary, handlers to whom allotments have

been made may transfer such allotments, in whole or in part. The amount of such transfers shall be deducted from the allotment of the transferor and added to the allotment of the transferee.

**SEC. 9. Overshipment and Undershipment.**—1. No handler shall handle lettuce, peas, or cauliflower during any proration period in excess of the allotment fixed for him by the Secretary, except for additional allotment transferred to him pursuant to the foregoing provisions of this article: *Provided, however,* That an overshipment of an allotment by a handler of lettuce, peas, or cauliflower of not more than one-half ( $\frac{1}{2}$ ) car, if said quantity was loaded to complete the filling of a fractional part of a car of such handler's allotment and is reported to the Proration Committee within twenty-four (24) hours after such shipment, shall not be a violation of this order. Any such overshipment shall be deducted from such handler's next succeeding allotment.

2. Any undershipment of an allotment by a handler shall be reported to the Proration Committee within twenty-four (24) hours thereafter, and the amount of such undershipment may be shipped during such handler's next succeeding allotment period, and during no other allotment period.

**SEC. 10. Termination of Proration Period.**—Based upon the recommendation of the Proration Committee, or any other information, the Secretary may terminate any proration period if proration is rendered unnecessary by reason of increased demand, reduction in the available supply, or other causes, so that the continuation of such regulation would not tend to effectuate the declared policy of the act.

**SEC. 11. Petitions for Adjustments of Applications for Allotments.**—Any handler or grower dissatisfied with the revision of his application by the Proration Committee may request a reconsideration of such revision and may appeal to the Secretary. In the event of such appeal to the Secretary, the Proration Committee shall furnish a report to the Secretary, setting forth the action taken and the reasons therefor. The petitioner involved shall abide by the determination of the Proration Committee pending the disposition of such petition by the Secretary.

#### ARTICLE IV. REGULATION BY GRADES AND SIZES

**SECTION 1. Recommendation of the Proration Committee.**—Whenever the Proration Committee deems it advisable to regulate the shipment of any grade or size of lettuce, peas, or cauliflower produced in a specified period, in the current of interstate or foreign commerce, it may so recommend to the Secretary. The Proration Committee shall furnish the Secretary all data and information upon which it acted in making such recommendation, which shall include factors affecting the supply of and demand for lettuce, peas, or cauliflower by grades and sizes thereof.

**SEC. 2. Regulation of Shipments.**—1. Based upon such recommendation and information furnished by the Proration Committee, or other information, the Secretary may regulate the quantity of any grade or size of lettuce, peas, or cauliflower produced in a specified period, which may be shipped during any period. Such regulation of shipments may be accomplished by (a) prohibiting the shipment of certain grades or sizes of lettuce, peas, or cauliflower during such period, or (b) by prohibiting the shipment of a part of any grade or size of lettuce, peas, or cauliflower.

2. When the Secretary determines to regulate shipments as provided herein, he shall immediately notify the Proration Committee of such determination and the date of the commencement of such regulation period, by telegraph or any other means which he deems advisable. The Proration Committee shall immediately notify each handler of (a) the institution of such regulation period; (b) the grades or sizes, or the portions thereof, which are prohibited from shipment; and (c) any other information that the Proration Committee deems advisable under the circumstances.

**SEC. 3. Exemptions.**—1. In the event a regulation period is established on lettuce, peas, or cauliflower pursuant to this article, the Proration Committee shall determine the percentage which the grades and sizes of the crop permitted to be shipped is of the total crop which could be

shipped in the absence of regulation under this article. The Proration Committee shall forthwith announce this percentage and the procedure by which exemption certificates will be issued to growers pursuant to this section.

2. If any grower of lettuce, peas, or cauliflower shall show to the Proration Committee that the regulation of shipments will allow him to ship during the period a percentage of his crop less than the percentage found in accordance with paragraph 1 of this section, the Proration Committee shall issue to him an exemption certificate allowing the shipment of such a quantity of the limited grade or size as will make the percentage of his crop that may be shipped equal to the percentage found in accordance with paragraph 1 of this section.

3. If any grower is dissatisfied with the determination by the Proration Committee with respect to such exemption certificate he may appeal to the Secretary.

**SEC. 4. Charitable Purposes.**—Nothing contained in this order shall be construed to authorize any limitation of the right to ship lettuce, peas, or cauliflower for consumption by charitable institutions or relief agencies.

#### ARTICLE V. GRADING AND INSPECTION

**SECTION 1. Grading and Certification.**—1. All shipments of lettuce, peas, or cauliflower shall be graded and certified on the basis of the grades now promulgated by the United States Department of Agriculture, or as the same may be modified or changed hereafter, during each shipping season.

2. During such season each handler shall utilize the standard Federal-State inspection service, and pay the cost of this service. Each shipment, in whatever quantity, shall be accompanied by a standard inspection certificate or official memorandum thereof indicating its conformity to the said grades.

#### ARTICLE VI. STANDARDIZATION OF CONTAINERS

**SECTION 1. Standardization of Containers.**—1. The Control Committee may prescribe specifications for containers in which lettuce, peas, or cauliflower shall be packed: *Provided, however,* That such specifications shall be subject to the prior approval of the Secretary. In the event standards have been or shall be promulgated for any of such containers under the standard container acts of the United States, the specifications prescribed by the Control Committee shall conform thereto.

2. In the event specifications have been prescribed and made effective in accordance with this article, no handler shall ship lettuce, peas, or cauliflower in containers other than those conforming with the specifications prescribed for the respective crops by the Control Committee.

#### ARTICLE VII. ASSESSMENTS

**SECTION 1. Expenses and Assessments.**—1. The Control Committee and the Proration Committee are authorized to incur such expenses as the Secretary finds may be necessary to carry out their functions under this order. The funds to cover such expenses shall be acquired by the levying of assessments as hereinafter provided.

2. Each handler shall pay to the Control Committee upon demand such handler's pro rata share, as is approved by the Secretary, of the expenses in the amount of three thousand three hundred fifty dollars (\$3,350) (which amount the Secretary has found will necessarily be incurred by the Control Committee and the Proration Committee during the season of 1936), or expenses in such other amount as the Secretary may later find will necessarily be incurred by said committees during such season for the maintenance and functioning of said committees during the said season as set forth in this order. Each handler's share of such expenses shall be that proportion thereof which the total quantity of lettuce, peas, or cauliflower shipped by such handler during said season is of the total quantity of lettuce, peas, or cauliflower shipped by all handlers during said season, and such pro rata share is hereby approved by the Secretary. The initial assessment upon each handler shall be one dollar and fifty cents (\$1.50) per

car, or its equivalent, of lettuce, peas, or cauliflower shipped by such handler, and said assessment shall be adjusted from time to time by the Control Committee, with the approval of the Secretary in order to provide funds sufficient in amount to cover any later finding by the Secretary of estimated expenses or the actual expenses of the Control Committee and the Proration Committee during said season. The assessments of each handler for any season shall be due at such time and shall be payable in such installments, if any, as the Control Committee shall determine.

3. For seasons subsequent to the season of 1936, each handler shall pay to the Control Committee upon demand such handler's pro rata share as is approved by the Secretary of such expenses as the Secretary may find will necessarily be incurred by the Control Committee and the Proration Committee for the maintenance and functioning of the said Committees as set forth in this order.

4. In order to provide funds to carry out the functions of the said committees prior to the commencement of shipments in any season, handlers may make advance payments of assessments, which advance payments shall be credited to such handlers and the assessments of such handlers shall be adjusted so that such assessments are based upon the quantity of lettuce, peas, or cauliflower shipped by such handlers during such season.

5. At the end of each season the Control Committee shall credit each contributing handler with the excess of the amount paid by such handler above his pro rata share of the expenses, or debit such handler with the difference between his pro rata share and the amount paid by such handler. Any such debits shall become due and payable upon the demand of the Control Committee.

6. From funds acquired pursuant to this article the Control Committee shall pay the salaries of the employees of the Control Committee and the Proration Committee, if any, and the expenses necessarily incurred in the maintenance and functioning of said committees in the performance of their duties under this order.

#### ARTICLE VIII. REPORTS

SECTION 1. *Reports.*—Upon the request of the Control Committee, or the Proration Committee, and in accordance with forms of reports to be supplied by the Secretary, each handler shall furnish, in such manner and at such times as said committee prescribes, such information as will enable it to perform its duties under this order.

#### ARTICLE IX. LIABILITY OF CONTROL AND PRORATION COMMITTEE MEMBERS

SECTION 1. *Liability.*—No member of the Control or Proration Committee nor any employee thereof shall be held responsible individually in any way whatsoever to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission as such member or employee except for acts of dishonesty.

#### ARTICLE X. SEPARABILITY

SECTION 1. *Separability.*—If any provision of this order is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this order or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

#### ARTICLE XI. DEROGATION

SECTION 1. *Derogation.*—Nothing contained in this order is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (1) to exercise any powers granted by the act or otherwise, or (2) in accordance with such powers to act in the premises whenever such action is deemed advisable.

#### ARTICLE XII. AMENDMENTS

SECTION 1. *Proposals.*—Amendments to this order may from time to time be proposed by the Control Committee.

#### ARTICLE XIII. DURATION OF IMMUNITIES

SECTION 1. *Duration of Immunities.*—The benefits, privileges, and immunities conferred by virtue of this order shall cease upon its termination except with respect to acts done under and during the existence of this order, and benefits, privileges, and immunities conferred by this order upon any person shall cease upon its termination as to such party except with respect to acts done under and during the existence of this order.

#### ARTICLE XIV. AGENTS

SECTION 1. *Agents.*—The Secretary may by a designation in writing name any person (not subject to this order), including any officer or employee of the Government, or any Bureau or Division in the Department of Agriculture to act as his agent or representative in connection with any of the provisions of this order.

#### ARTICLE XV. EFFECTIVE TIME AND TERMINATION

SECTION 1. *Effective Time.*—This order shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

SEC. 2. *Termination.*—The Secretary may at any time terminate this order by giving at least one (1) day's notice by means of a press release or in any other manner which the Secretary may determine.

2. The Secretary shall terminate or suspend the operation of this order, or of any provision thereof, whenever he finds that this order, or such provision thereof, does not tend to effectuate the declared policy of the act.

3. The Secretary shall terminate this order with respect to lettuce, peas, or cauliflower, at the end of any marketing period whenever he finds that such termination is favored by a majority of the growers of lettuce, peas, or cauliflower, respectively, who, during the preceding marketing period, have been engaged in the production for market of lettuce, peas, or cauliflower in Western Washington: *Provided*, That such majority have during such period produced more than fifty (50) percent of the volume of such lettuce, peas, or cauliflower produced within Western Washington, but such termination shall be effective only if notice thereof is given on or before December 31 of such marketing period.

4. This order shall in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 3. *Proceedings After Termination.*—1. Upon the termination of this order the members of the Control Committee then functioning shall continue as joint trustees of all funds and property then in the possession or under the control of the Control and Proration Committees, including claims for any funds unpaid or property not delivered at the time of such termination for the purpose of liquidating all matters with respect to this order. Said trustees (a) shall continue in such capacity until discharged by the Secretary; (b) shall from time to time account for all receipts and disbursements and deliver all funds and property on hand, together with all books and records of the Control and Proration Committees and the joint trustees, to such person as the Secretary shall direct, and (c) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all of the funds and claims vested in the Control Committee or the joint trustees pursuant to this order, and (d) shall refund to each contributing handler the excess of the amount paid by such handler above his pro rata share of expenses, or debit each handler with the difference between his pro rata share and the amount paid by any such handler, if such amount is less than his pro rata share. Any such debit shall become due and payable upon the demand of the said committee. Nothing stated herein shall be deemed to preclude the bringing of a suit for assessments levied by the Control Committee at any time prior to the termination of this order.

2. Any person to whom funds, property, or claims have been delivered by the Control or Proration Committee, or members thereof upon direction of the Secretary, as herein provided, shall be subject to the same obligations and duties



with respect to said funds, property, or claims as are hereinabove imposed upon the members of said committees or upon said joint trustees.

In witness whereof, the Secretary of Agriculture does hereby execute in duplicate, and issue this order in the city of Washington, District of Columbia, on this 29th day of April 1936, and pursuant to the provisions hereof, declares this order to be effective on and after 12:01 a. m. eastern standard time, May 4, 1936.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 520—Filed, April 30, 1936; 11:51 a. m.]

## INTERSTATE COMMERCE COMMISSION.

[Docket BMC No. 3564]

### APPLICATION OF GULF CARLOADING COMPANY OF TEXAS

APRIL 28, 1936.

In the Matter of the Application of Gulf Carloading Company of Texas, a Corporation, of 2312 Griffin Street, Dallas, Tex., for a Certificate of Public Convenience and Necessity (Form BMC 1) Authorizing Operation as a Common Carrier by Motor Vehicle in the Transportation of Commodities Generally in Interstate Commerce, Shipments Originating at Points Located in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, Tennessee, and West Virginia and Forwarded to Dallas and Fort Worth, Tex., thence to various Points Located within the States of Arkansas, Texas, Oklahoma, New Mexico, and Arizona.

Hearing in the above-entitled proceeding, now assigned for May 11, 1936, at Dallas, Tex., before Examiner K. J. McAuliffe, is hereby canceled and this proceeding is reassigned for hearing on May 25, 1936, at 9 o'clock a. m. (standard time), at the Baker Hotel, Dallas, Tex., before Examiner K. J. McAuliffe.

By the Commission, division 5.

[SEAL]

GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 507—Filed, April 29, 1936; 3:56 p. m.]

[Order No. 3666]

### IN THE MATTER OF REGULATIONS FOR THE TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Present: Frank McManamy, Commissioner, to whom the above-entitled matter has been assigned for action thereon.

Regulations for the transportation of explosives and other dangerous articles by rail being under further consideration, and

*It appearing*, That upon applications made by interested parties, concurred in by the Bureau of Explosives, certain proposed new and amended regulations should be established pursuant to section 233 of the Criminal Code (Transportation of Explosives Act), and upon investigation are found to be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport;

*It is ordered*, That the aforesaid regulations as heretofore published in order of May 12, 1930, be, and they are hereby, superseded and amended as follows, effective August 1, 1936:

Amending par. 20 (b), specification 3A, order May 12, 1930, as follows, add—

(1) Requirement that the yield point must not exceed 70 percent of tensile strength is hereby waived with respect to the use of special alloy steels, provided they have equal or better physical properties than steels otherwise specified herein and as follows:

(2) Steels used shall be those commercially known as SAE 4130 X; of the following chemical properties:

Carbon (percent).....	from 0.25 to 0.35
Manganese (percent).....	from 0.40 to 0.70
Phosphorus (percent).....	0.04 maximum
Sulphur (percent).....	0.05 maximum
Chromium (percent).....	from 0.80 to 1.10
Molybdenum (percent).....	from 0.15 to 0.25

(3) Heat treatment shall consist of quenching in oil at approximately 1,550° F. and drawing back at approximately 1,250° F.

(4) Minimum wall thickness of cylinder shall be such that the wall stress shall not exceed 65,000 pounds per square inch when calculated under paragraph 13 of this specification.

(5) Flattening test prescribed by paragraph 19 of this specification shall be made by flattening sample cylinder as far as possible, and record shall be kept of the extent to which flattening can be carried without cracking.

(6) Reports of manufacture and tests shall include the following information: Chemical analysis data on chromium, molybdenum, and other alloying material present, if any; definite statement as to the heat treatment used; and distance between the outside surfaces of the flattened cylinder when the first crack occurs.

*It is further ordered*, That the aforesaid regulations as further amended herein shall be, and remain in force on and after August 1, 1936, and shall be observed until further order of the Commission;

*It is further ordered*, That cylinders constructed in compliance with the aforesaid regulations are hereby authorized for use on and after the date of approval and publication of the regulations by the Commission;

*And it is further ordered*, That copies of this order be served upon all the respondents herein, and that notice to the public be given by posting in the office of the secretary of the Commission at Washington, D. C.

Dated at Washington, D. C., this 25th day of April 1936.

By the Commission, Commissioner McManamy.

[SEAL]

GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 508—Filed, April 29, 1936; 3:57 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

### United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of April 1936.

Commissioners: James M. Landis, Chairman; George C. Mathews, Robert E. Healy, J. D. Ross, William O. Douglas.

### IN THE MATTER OF SEATTLE STOCK EXCHANGE

#### ORDER GRANTING EXEMPTION FROM REGISTRATION AS A NATIONAL SECURITIES EXCHANGE

The Seattle Stock Exchange having made application for exemption from registration as a national securities exchange under Section 5 of the Securities Exchange Act of 1934; and

It being the opinion of the Commission, by reason of the limited volume of transactions effected on said Exchange, that it is not practicable and not necessary or appropriate in the public interest or for the protection of investors to require said Exchange to register as a national securities exchange;

It is ordered, that said application of the Seattle Stock Exchange for exemption from registration as a national securities exchange be and is hereby granted, effective May 1, 1936;

*Provided, however*, that the Commission may after appropriate notice and opportunity for hearing, by order withdraw said exemption if the Commission finds that, for any reason said withdrawal is necessary or appropriate in the public interest or that said Exchange has violated or has failed to enforce, insofar as is within its power, compliance with any of the following conditions:

(1) that said application for exemption from registration on Form 1 shall be kept up to date in accordance with Rule CB4;

(2) that the provisions of Section 7 of the Securities Exchange Act of 1934 and the rules and regulations of the Federal Reserve Board heretofore and hereafter prescribed thereunder, and of Sections 8, 9 (except 9 (e)), 10, 11, 14, 17, and 19 (b), and the rules and regulations heretofore and hereafter prescribed thereunder, shall be complied with by said exchange, the members thereof, and the issuers of securities listed or admitted to unlisted trading privileges thereon as if said exchange were a national securities exchange and said securities were registered thereon:

(3) that the issuer of any security listed on said exchange on May 1, 1936, shall be required to file annually with said exchange (and file with the Commission such duplicate copies thereof as the Commission may require) as soon as possible after the close of each fiscal year, a document setting forth the balance sheet and analysis of surplus account as of the close of said year and a profit and loss statement for said year;

(4) that after May 1, 1936, no security shall be admitted to listing and continued thereafter as a listed security on said exchange unless—

(a) the requirements prescribed for the registration of said security on a national securities exchange pursuant to the provisions of Section 12 (a), (b), (c), and (d) of said Act and the rules and regulations heretofore or hereafter prescribed thereunder, are complied with; or

(b) the requirements prescribed for the exemption of said security from registration on a national securities exchange are complied with; and

(c) the issuer of said security files the same information, documents, and reports with said exchange (and files with the Commission such duplicate originals thereof as the Commission may require) as are required by the provisions of Section 13 of said Act and the rules and regulations heretofore or hereafter prescribed thereunder, of an issuer of any such security registered or exempted from registration on a national securities exchange.

(5) that after May 1, 1936, no security shall be admitted to unlisted trading privileges;

(6) that such reports as may be required by the Commission with respect to quotation of and amount and dollar value of transactions in, securities listed or admitted to unlisted trading privileges on said exchange, shall be filed with the Commission;

(7) that the rules of said exchange shall include provision for the expulsion, suspension, or disciplining of a member for conduct or proceeding inconsistent with just and equitable principles of trade, and shall declare that the willful violation of any of the conditions of this exemption shall be considered conduct or proceeding inconsistent with just and equitable principles of trade;

(8) that said exchange and the members thereof shall be subject to and comply with such additional conditions relating to said exchange and its members as the Commission may from time to time prescribe; and

*Provided further*, that the Commission may, after appropriate notice and opportunity for hearing, by order deny, suspend the effective date of, suspend for a period not exceeding twelve months, or withdraw the listing of a security if the Commission finds that the issuer of said security has failed to comply with the conditions of this exemption; and

*Provided further*, that the Commission may, after appropriate notice and opportunity for hearing, by order suspend for a period not exceeding twelve months or expel from said exchange any member or officer thereof who the Commission finds has violated or has effected any transactions for any other person who, he has reason to believe, is violating in respect of such transaction, the conditions of this exemption.

By the Commission:

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

The Seattle Stock Exchange hereby consents to the entry of the foregoing order, and agrees to comply with the terms

and conditions thereof and to enforce, insofar as is within its power, compliance with said terms and conditions.

THE SEATTLE STOCK EXCHANGE,  
By CHAS. G. MULLEN,  
*President*.

Attest:

SHERMAN ELLSWORTH,  
*Secretary*.

[F. R. Doc. 521—Filed, April 30, 1936; 12:26 p.m.]

Saturday, May 2, 1936

No. 36

## TREASURY DEPARTMENT.

Bureau of Internal Revenue.

[T. D. 4639]

### PIPELINES CONNECTING RECEIVING CISTERNS

*To District Supervisors and Others Concerned:*

The first paragraph on page 12 of Regulations 8, under the caption "Cistern Room", is hereby amended to read as follows:

These cisterns must not be connected with each other, and must be so constructed as to leave an open space of at least 3 feet between the top and the roof or floor above, and a space of not less than 18 inches between the bottom and the floor below, and they must be separated so that the officer may pass around them, and so constructed as always to be exposed to the view of the officer; provided, however, that a connecting pipeline between receiving cisterns will be permitted in order to prevent loss of spirits by overflow. Such connecting pipeline must be located as close to the top of each cistern as the construction of the cistern will permit, and must be closed and all connections therein brazed or otherwise effectually sealed to prevent abstraction of spirits without evidence of tampering. A valve in the connecting pipe, equipped for locking with Government lock, must be provided and same must be closed and locked before the spirits are proofed and while the spirits are being drawn off.

[SEAL]

GUY T. HELVERING,  
*Commissioner of Internal Revenue*.

Approved, Apr. 29, 1936.

WAYNE C. TAYLOR,  
*Acting Secretary of the Treasury*.

[F. R. Doc. 532—Filed, May 1, 1936; 11:40 a.m.]

[T. D. 4640]

### INVESTIGATORS PERMITTED TO TESTIFY IN STATE COURTS

*To District Supervisors and Others Concerned:*

The second paragraph of Article 80, Regulations 12, revised October 1, 1920, is hereby amended to read as follows:

Internal-revenue officers are hereby prohibited from giving out any records, or any copies thereof, to private persons or to local officers, or to produce such records or copies thereof in a State court, whether in answer to subpoena duces tecum or otherwise, or to testify to facts coming to their knowledge in their official capacities without express authority from the Commissioner: *Provided*, however, that if the interests of the United States will not be jeopardized thereby, and if information will not be divulged contrary to Section 3167, Revised Statutes, as amended, District Supervisors of the Alcohol Tax Unit may upon receipt of subpoenas or requests of State authorities, and at the expense of the State, authorize investigators and other employees under their supervision to attend trials and administrative hearings in liquor cases in which the State is a party, produce records, and testify as to facts coming to their knowledge in their official capacities.

[SEAL]

GUY T. HELVERING,  
*Commissioner of Internal Revenue*.

Approved, April 29, 1936.

WAYNE C. TAYLOR,  
*Acting Secretary of the Treasury*.

[F. R. Doc. 539—Filed, May 1, 1936; 11:41 a.m.]

